

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

United States of America,

Plaintiff

v.

Jason Alles,

Defendant

Case No.: 2:15-cr-00052-JAD-VCF-1

**Order Granting Motions for  
Appointment of Counsel, for Leave to  
File Under Seal, and for Early  
Termination of Supervised Release**

[ECF Nos. 40, 41, 35]

Last month, I denied without prejudice Jason Alles’s motion for appointment of counsel based on a procedural defect.<sup>1</sup> Counsel has since cured that deficiency.<sup>2</sup> Because Alles has demonstrated his inability to afford an attorney, I grant his motions for appointment of counsel and for leave to file his financial affidavit under seal. I also grant his motion for early termination of supervised release because he meets the qualifying criteria.

**I. Alles is entitled to a court-appointed attorney.**

District judges have discretion to appoint counsel for “any person financially unable to obtain adequate representation.”<sup>3</sup> In determining whether a person is eligible for court-appointed counsel, district judges assess the person’s financial affidavit under a deferential standard: “[a]ny doubts about a person’s eligibility should be resolved in favor of eligibility.”<sup>4</sup> Alles’s financial affidavit shows that his monthly expenses do not leave him with enough expendable income to

<sup>1</sup> ECF No. 39.

<sup>2</sup> ECF No. 40 (renewed motion for appointment of counsel); ECF No. 41 (motion for leave to file financial affidavit under seal); ECF No. 42 (financial affidavit); ECF No. 43 (response to order to show cause).

<sup>3</sup> L.C.R. 44-1 (citing the Plan for Administration of the Criminal Justice Act (CJA) of 1964, <https://www.nvd.uscourts.gov/wp-content/uploads/2021/01/CJA-Plan-Revised-12-2020.pdf>).

<sup>4</sup> The Plan for Administration of the CJA of 1964 at 7–8.

1 pay for a private attorney.<sup>5</sup> Because the affidavit demonstrates that Alles is unable to afford an  
 2 attorney, I grant his motion to appoint counsel.

3 **II. Alles's financial affidavit will remain sealed.**

4 In *Nixon v. Warner Communications, Inc.* the Supreme Court recognized a “general right  
 5 to inspect and copy public records and documents, including judicial records and documents” so  
 6 that citizens could keep a “watchful eye” on public agencies.<sup>6</sup> But the court also recognized that  
 7 this right is not absolute.<sup>7</sup> Because Alles's affidavit is not a judicial record but rather an  
 8 administrative document that contains personal financial information that the public does not  
 9 need access to, I grant his request for leave to file the affidavit under seal.

10 **III. Alles is entitled to early termination of his supervised release.**

11 Alles moves for early termination of supervised release, arguing that he has completed  
 12 more than 19 months of supervised release, fully complied with his supervision conditions, taken  
 13 classes including anger management and drug courses, and been employed as an electrical  
 14 consultant for about a year and a half.<sup>8</sup> Neither the U.S. Probation Office<sup>9</sup> nor the government  
 15 opposes Alles's motion.<sup>10</sup> District courts have “broad discretion in determining whether to grant  
 16 a motion to terminate supervised release.”<sup>11</sup> Because I am satisfied that Alles's conduct warrants  
 17 the early termination of his supervised release based on the 18 U.S.C. § 3553(a) factors and that  
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19 <sup>5</sup> See ECF No. 42 (sealed).

20 <sup>6</sup> *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978).

21 <sup>7</sup> *Id.* at 598.

22 <sup>8</sup> ECF No. 35 at 3.

23 <sup>9</sup> *Id.*

<sup>10</sup> ECF No. 38 at 1.

<sup>11</sup> *U.S. v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014) (citing 18 U.S.C. § 3583(e)(1); *U.S. v. Hook*, 471 F.3d 766, 771 (7th Cir. 2006)).

1 such relief is in the interest of justice, I grant his motion and order that his supervision be  
2 terminated.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that Alles's motion for appointment of counsel [ECF  
5 No. 40] is **GRANTED *nunc pro tunc* to August 11, 2022**, and his motion to file his affidavit  
6 under seal [ECF No. 41] is also **GRANTED**. **The Clerk of Court is directed to MAINTAIN**  
7 **THE SEAL on ECF No. 42.**

8 IT IS FURTHER ORDERED that Alles's motion for early termination of supervised  
9 release [ECF No. 35] is **GRANTED**. Alles's supervision is **TERMINATED**.

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13 U.S. District Judge Jennifer A. Dorsey  
14 September 14, 2022  
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